

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J.Z., et al.,

Plaintiffs,

v.

NEW YORK CITY DEPARTMENT OF
EDUCATION, et al.,

Defendants.

23-CV-9779 (DEH)

ORDER

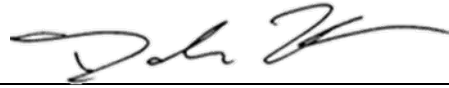
DALE E. HO, United States District Judge:

Plaintiffs request that the Court consolidates this action with *O.M. v. New York City Department of Education*, No. 23 Civ. 4446, because both cases allege that Defendants have failed to implement pendency services, particularly with regard to feeding therapy. ECF No. 47. Federal Rule of Civil Procedure 42 permits, but does not require, consolidation if actions “involve a common question of law or fact.” Fed. R. Civ. P. 42(a). The decision to order consolidation is in the Court’s discretion. *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284 (2d Cir. 1990). These actions turn on facts particular to each Plaintiff, such as the contents of their individualized education programs, their individual needs, and their specific administrative proceedings. *See* ECF No. 92 at 3. Accordingly, consolidation is inappropriate, and Plaintiffs’ request is **DENIED**.

That said, Rule 42 also permits courts to “issue any other orders to avoid unnecessary cost or delay.” Because these cases will involve similar discovery, they will both be referred to the same magistrate judge, Judge Gabriel W. Gorenstein, for general pretrial management and to coordinate a common discovery schedule.

SO ORDERED.

Dated: August 8, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is positioned above a horizontal line.

DALE E. HO
United States District Judge